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**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE  
STATE OF CALIFORNIA**

In the Matter of the Application of SOUTHERN )  
CALIFORNIA EDISON COMPANY (U 338-E) ) A.13-10-020  
for a Certificate of Public Convenience and )  
Necessity for the West of Devers Upgrade Project ) (Filed October 25, 2013)  
and for an Interim Decision Approving the )  
Proposed Transaction Between Southern )  
California Edison Company and Morongo )  
Transmission LLC. )

**SOUTHERN CALIFORNIA EDISON COMPANY'S (U 338-E)**  
**COMMENTS TO THE ALTERNATE PROPOSED DECISION**

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Dated: **July 21, 2016**

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**I. INTRODUCTION**

Southern California Edison Company (SCE) appreciates Commissioner Picker's consideration of the record in reaching the correct result in this docket, specifically: (1) issuing the Alternate Proposed Decision (APD) approving the West of Devers Upgrade Project (WOD Upgrade Project),<sup>1</sup> and (2) further recognizing that if SCE becomes a Participating Special Entity within the applicable Multi-Species Habitat Conservation Plan (MSHCP) area, certain mitigation measures will not apply.<sup>2</sup>

The APD makes minor modifications to the proposed decision (PD) issued by ALJ Yacknin in this proceeding on April 11, 2016. The PD approved the West of Devers Upgrade Project (WOD Upgrade Project), configured as "the Tower Relocation Alternative, the Iowa Street 66 kV Underground Alternative, and [SCE's] proposed project for the segments otherwise unaffected by these two alternatives."<sup>3</sup> As approved, the WOD Upgrade Project allows SCE to

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<sup>1</sup> See APD at 52 (conclusion of law no. 10).

<sup>2</sup> See APD at 51-52 (conclusion of law no. 3-8).

<sup>3</sup> See PD at 42 (findings of fact no. 10), 43 (conclusion of law no. 4).

comply with generator interconnection requests, facilitate deliverability for renewable energy resources identified in the Commission's renewable portfolios, and provide infrastructure that will enable achievement of the State's 33% Renewable Portfolio Standard (RPS) and optimize system upgrades to meet anticipated future needs such as California's new 50% RPS. The PD further approved the proposed transaction between SCE and Morongo Transmission LLC, therefore enabling the WOD Upgrade Project to be built across the Morongo Reservation. Extensive evidence was in the record regarding both the need for the WOD Upgrade Project, compliance with the California Environmental Quality Act (CEQA), and the need for the proposed transaction. The PD properly found that the CEQA-identified Phased Build Alternative (PBA) is infeasible due to policy reasons.

In SCE's comments to the PD, it noted that certain of the mitigation measures imposed by the PD and the Mitigation Monitoring, Compliance and Reporting Plan were unnecessary if SCE was granted PSE Status in the two applicable MSHCPs.<sup>4</sup> Specifically, SCE's comments stated that agencies tasked with the preservation of biological resources have concluded that, as a PSE, the mitigation measures and conservation strategies that SCE will be obligated to follow will mitigate any potentially significant impacts on the species addressed in the MSHCPs. Therefore, the APD appropriately removed the obligations that would be unnecessary and duplicative if SCE obtains PSE status for the WOD Upgrade Project. SCE appreciates these revisions to the PD and believes that the APD improves the PD by not requiring inappropriate mitigation obligations in the event that SCE obtains PSE status.

## **II. COMMENTS**

It appears that there is one inconsistency on page 42 of the Mitigation Monitoring, Compliance and Reporting Plan of the APD, with respect to Mitigation Measure WIL-2j.

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<sup>4</sup> Specifically, SCE commented on WIL-2c, WIL-2d, WIL-2e, and WIL-2j. *See* Comments on Proposed Decision, p. 4 (filed May 2, 2016).

Page 38 of the APD states the following:

On the basis of the above, within the boundaries of the WR-MSHCP, provided that SCE applies for and achieves Participating Special Entity status, confers with the Western Riverside Regional Conservation Authority regarding specific requirements based on the linear footprint of the project, and follows those requirements, this Commission can reasonably rely on the mitigation that will be imposed on SCE as a result of that process. The same applies for the Coachella Valley MSHCP. **The text of MM WIL-2c, WIL-2d, WIL-2e and WIL-2j is modified accordingly.** (*Emphasis added*)

However, page 42 of the Mitigation Monitoring, Compliance and Reporting Plan states:

The San Diego desert woodrat is a Covered Species under the WR-MSHCP. If SCE obtains Participating Special Entity status under the WR-MSHCP, the project's impacts to woodrat nests will be mitigated according to the requirements for Participating Special Entities under the WR-MSHCP.

**Implementation locations:** This mitigation measure shall apply within San Bernardino County, on BLM lands, within the WR-MSHCP and CV-MSHCP areas (**regardless of SCE's PSE status**), and is recommended within Morongo Tribal Lands. (*Emphasis added*)

SCE believes that the highlighted language, “(**regardless of SCE's PSE status**),” was inadvertently left in the document and requests that the parenthetical be removed to clear up an inconsistency and avoid any potential misinterpretation. SCE recommends the following:

The San Diego desert woodrat is a Covered Species under the WR-MSHCP. If SCE obtains Participating Special Entity status under the WR-MSHCP, the project's impacts to woodrat nests will be mitigated according to the requirements for Participating Special Entities under the WR-MSHCP.

**Implementation locations:** This mitigation measure shall apply within San Bernardino County, on BLM lands, within the WR-MSHCP and CV-MSHCP areas (~~regardless of SCE's PSE status~~), and is recommended within Morongo Tribal Lands.

### III. CONCLUSION

As expressed herein, SCE appreciates the thoughtful analysis producing the APD and respectfully requests that the Commission approve the APD subject to the revision suggested herein.

Respectfully submitted,

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